

REMARKS

Claims 1 and 3-28 are pending in the application. Claim 2 is cancelled without prejudice herein. Claims 1 and 22 are amended herein. For the reasons set forth below, applicant believes that the rejections of claims 1 and 3-28 should be withdrawn, and that all of the pending claims are in condition for allowance.

In paragraph 1 of the office action, the examiner rejected claims 1-11, 22-26 and 28 under 35 USC 102(e) as being anticipated by USP 5,884,032 (hereinafter "Bateman"). In paragraph 2 of the office action, the examiner rejected claim 21 under 35 USC 103(a) as being unpatentable over Bateman. Finally, in paragraph 3 of the office action, the examiner rejected claims 12-20 and 27 under 35 USC 103(a) as being unpatentable over Bateman in view of USP 5,214,688 (hereinafter "Szlam").

As set forth in amended claim 1, applicant's invention is directed to, for example, a system for providing an automatic telephone call back from a request transmitted over a data path wherein said data path may be established using any of a direct data path, a global computer network, or a telephone network. See, in particular, Figure 3, in which the Automated Telephone Call Back System 10 is coupled to a remote location by each of a

direct data path, a global computer network, and a telephone network.

By contrast, Bateman teaches a system wherein the data path by which a request is received from a customer is exclusively via the World Wide Web ("WWW"). In the office action, the examiner stated, "Bateman et al. also teaches the aforementioned data path being one or a combination of a direct data path, a LAN or WAN, and/or the PSTN/. (Fig. 1)." Applicant submits, however, that Fig. 1 shows that, when read in view of the specification, the data connection between the customer computer and the call center HTTP server is made exclusively by the WWW. (See Bateman at col. 6, lines 1-29). Thus, Bateman teaches a system wherein the data path may be established only via the WWW and, therefore, does not teach or suggest a system wherein the data path may be any of a direct data path, a global computer network, or a telephone network.

Therefore, for this reason alone, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Bateman has been overcome and should be withdrawn. Moreover, since claims 3-11 depend variously from claim 1, the rejections of claims 3-11 under 35 USC 102(e) as being anticipated by Bateman have likewise been

overcome and should be withdrawn. Since claim 12 depends from claim 11, which depends from claim 1, the rejection of claim 12 under 35 USC 103(a) as obvious over Bateman in view of Szlam has been overcome and should be withdrawn solely for the reasons set forth above.¹

As set forth in claim 13, applicant's invention is also directed to, for example, a system for providing an automatic telephone call back from a request transmitted over a global computer network comprising an automated dialer system which comprises a predictive dialer. Likewise, as set forth in amended claim 22, applicant's invention is also directed to a method for providing a telephone call back from a request made by an inquiring party at a remote location, wherein said request includes call back data transmitted over a data path from a terminal at said remote location, said call back data including at least a telephone number to be dialed, said method comprising the step of automatically dialing each of said telephone numbers as scheduled over a telephone line using a predictive dialer.

The examiner has explicitly acknowledged that Bateman makes

¹ The rejection of claim 12 is also improper for the reasons set forth below concerning the combination of Bateman and Szlam.

no reference whatsoever to a predictive dialer, but argues that it would have been obvious for one of ordinary skill in the art to combine the teachings of Bateman with those of Szlam. Applicant submits, however, that the combination of Bateman and Szlam is improper as there is no clear suggestion in either reference to suggest their combination. While, there may be some overlap between the users of the technology of Bateman and Szlam, the technology and algorithms used in predictive dialing applications have no connection to the technology of Bateman and the present invention which involve primarily networking and internetworking.

The fact that, the lengthy specifications of both Bateman and Szlam make no reference to the other's technology or applications is indicative of the disparateness of the subject matter. Accordingly, applicant submits that the rejections of claims 13 and 22 under 35 USC 103(a) as obvious over Bateman in view of Szlam are improper and should be withdrawn. Moreover, since claims 14-21 depend variously from claim 13 and since claims 23-28 depend variously from claim 22, the rejections of claims 14-21 and 23-28 likewise are improper and should be withdrawn.

In view of the foregoing, applicant believes that all of the claims pending in the application are now in condition for

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allowance and early and favorable action is respectfully requested. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTS

In the Claims:

Claims 1 and 22 have been amended as follows:

1. (amended) A system for providing an automatic telephone call back from a request transmitted over a data path from a data terminal located at a first location, said request including call back data including at least a telephone number to be dialed, said system comprising:

a data path interface, coupled to said data path, for receiving said request over said data path, for identifying said call back data, and for placing said call back data into at least one call record store; and

an automated dialer system, located at a second location remote from said first location and coupled to said data path interface, and responsive to said at least one call record store, for automatically retrieving telephone numbers to be dialed from said call record store, and for processing said telephone numbers as an outbound telephone call campaign;

wherein said data path may be established using any of a direct data path, a global computer network, or a telephone network.

22. (amended) A method for providing a telephone call back from a request made by an inquiring party at a remote location, wherein said request includes call back data transmitted over a data path from a terminal at said remote location, said call back data including at least a telephone number to be dialed, said method comprising the steps of:

receiving said request transmitted from said terminal at said remote location;

identifying said call back data including at least one telephone number to be dialed;

placing said call back data into a call record store;

retrieving telephone numbers to be dialed from said call record store;

scheduling said telephone numbers to be dialed;

automatically dialing each of said telephone numbers as scheduled over a telephone line using a predictive dialer; and

connecting said telephone line to a telephone of an available agent, if an answer is detected.